



Planning Department

TOWN OF ACTON
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Acton, Massachusetts 01720
Telephone (978) 264-9636
Fax (978) 264-9630
planning@acton-ma.gov

MEMORANDUM

To: Planning Board

Date: February 4, 2005

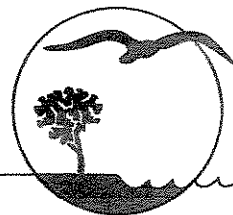
From: Roland Bartl, AICP, Town Planner

R.B.

Subject: QRCC, Appointment - Re: Environmental Monitoring

Attached please find materials submitted by Att. Jay Peabody in advance of the discussion meeting. Also attached are copies of correspondence that I received since the Board's last meeting on the subject. This correspondence is certainly sufficient evidence to show that QRCC is not ever likely to ever attain Bronze membership status with Audubon International. Therefore, it seems plausible to begin with Plan B of condition 3.2.4 the Board's special permit decision.

AUDUBON INTERNATIONAL



Feb 8th M8.

HELPING PEOPLE HELP
THE ENVIRONMENT

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46 Rarick Road
Selkirk, NY 12158
Phone: 518-767-9051
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<http://www.audubonintl.org>

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Audubon Signature
Program
230 Second Street
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Audubon Society of
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Audubon International
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Environmental Planning
Department
P.O. Box 1226
Cary, NC 27512
Phone: 919-380-9640
Fax: 919-380-7415

December 13, 2004

Jay R. Peabody, Esq.
Graham & Harsip, P. C.
Strawberry Hill Building
Suite 101
289 Great Road
Acton, MA 01720

Re: Quail Ridge Country Club

Dear Mr. Peabody:

I am writing in response to your letter of December 6, 2004, to Audubon International's Membership Secretary, Jennifer Batza. Your letter attached correspondence between you and the Town of Acton, MA, concerning Quail Ridge Country Club (QRCC), a golf course under development there. Specifically, the correspondence concerns a permit condition the Town Planning Board imposed in the spring of 2002 in allowing development of QRCC, which required that QRCC join and become certified in an Audubon International Signature Program. You are now looking for information from us to support your argument that the Town should instead be satisfied with QRCC becoming certified in our Audubon Cooperative Sanctuary Program. We cannot provide such supporting information.

As you and the QRCC developers should well know, the Signature Programs are designed to cover construction and subsequent management of *new developments*, including golf courses. They are intended to ensure that new developments are not only operated, but designed and built from the outset in accordance with best environmental stewardship practices. The developer of QRCC, Mr. Ron Peabody (who, we note, shares a last name with you), contacted our Signature Program Office and received informational materials on the Signature Programs as early as 2000. Our Signature Program Office also had extensive communications with Acton's Town Planner in early 2002 explaining and providing detailed information on the Signature Programs. Despite Mr. Peabody's knowledge of the Signature Programs and their requirements before development of QRCC began, despite the permit requirement that QRCC join and become certified in a Signature Program, and despite the fact that QRCC had ample opportunity after the permit issued to join a Signature Program on a timely basis¹, Mr. Peabody and QRCC made a deliberate decision not to comply with the Town Planning Board's permit requirement and not to join or become certified in a Signature Program. Because of the developer's conscious decision not to comply with the permit requirement, development of QRCC has now progressed to the point where it is no longer eligible to join a Signature Program.

¹ Contrary to the erroneous representation in your November 23, 2004, letter to the Town Planner of Acton.

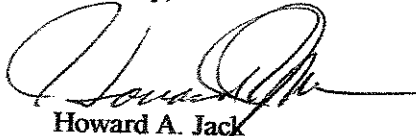


The Audubon Cooperative Sanctuary Program (ACSP) for Golf Courses is an environmental stewardship program aimed at *existing* courses, those which did not have the opportunity to participate in the Signature Programs and apply best environmental stewardship practices in design and construction. The ACSP for Golf Courses is an environmental education program that encourages members to continually improve their pre-existing management practices in various subject areas and that provides recognition when they do. It is not nearly as rigorous as the Signature Programs and does not include the types of strict minimum requirements that apply under the Signature Programs. The ACSP for Golf Courses does not include development of a comprehensive Natural Resource Management Plan (NRMP), compliance with the NRMP, and periodic site audits to check on compliance with program requirements and NRMP. Contrary to the representations in your November 23, 2004, letter to the Acton Town Planner, the ACSP for Golf Courses is not a "monitoring" program and does not feature annual site visits and reporting. The ACSP for Golf Courses does include a requirement for reporting for recertification every two years. In addition, we are just introducing a provision for independent third-party site visits at the time of biennial recertification, to corroborate that the member is doing what it says it is doing. Those site visits would not necessarily be carried out by Audubon International itself, however, and in any event would not be as rigorous, in depth, or broad in scope as periodic site audits under our Signature Programs. The new site visits under the ACSP cannot be expected to replicate the comprehensive inspection, observation, and review of conditions, facilities, and operations that occurs during Signature Program site audits.

In any event, Audubon International has little interest in having QRCC as a member of the ACSP for Golf Courses. The program depends for its effectiveness on the voluntary, cooperative, good faith efforts of its members. Based on the way the developers of QRCC have intentionally avoided participating in the appropriate Audubon International program over the last several years, we lack confidence they will voluntarily, cooperatively, and in good faith do their best to further good environmental stewardship practices at QRCC; rather, we believe they are quite likely to do all they can to get away with as little as possible. The program would not be a good one for a member with that approach, nor would such a member be good for the program or its reputation.

I hope this information adequately responds to your inquiry.

Sincerely,



Howard A. Jack

Vice President and Chief Operating Officer

cc: Nancy E. Richardson, Director, Audubon Signature Programs
Joellen Zeh, Manager, Audubon Cooperative Sanctuary Programs
Jennifer Batza, Membership Secretary, Audubon Cooperative Sanctuary Programs
Roland Bartl, AICP, Acton Town Planner

Roland Bartl

From: Roland Bartl
Sent: Monday, December 20, 2004 12:29 PM
To: 'Jenn Shea'
Cc: 'Steven R. Graham'
Subject: RE: QRCC - Audubon

Jenn:

We had no recent contact with Audubon International. I am not aware that others did. Planning Department staff last contacted AI around the time when the golf course was in the permitting stage before the Planning Board. At that time, others had correspondence with AI as well. I cannot confirm if Ron, or any of his consultants, or Planning Board members individually made contact with AI, but I am fairly certain that either ACES or the Acton Conservation Trust, or both, had contacted AI at that time.

Rhetoric aside, the 12/13/04 AI letter from Mr. Jack appears to confirm that membership in the AI Sanctuary Program does not meet the Planning Board's expectations for annual environmental auditing, which is what we had thought all along. In any case, he seems to have closed the door to that option. For now I am holding this letter in a folder for your February 8 appointment with the Board.

Regards -

*Roland Bartl, AICP
Town Planner, Town of Acton
472 Main Street
Acton, MA 01720
978-264-9636*

-----Original Message-----

From: Jenn Shea [mailto:jenn@nwdevelopment.com]
Sent: Friday, December 17, 2004 5:14 PM
To: Roland Bartl
Subject: QRCC - Audubon

Roland:

Im just picking myself up from the floor after having been **steam-rolled over** by Mr. Jack and his letter on behalf on the Audubon dated 12/13/04! I've honestly never received a letter so slanted, inappropriate & unprofessional in all my life.

But what is really bothering me is that the tone is so out-of-line that it truly seems personal. And I don't think Im becoming paranoid :))

It is as if his only purpose in writing that letter was to berate the developer because he never once came close to addressing any question that Jay requested in his letter dated 12/6 (which he prepared per your request in your letter dated 12/2)

I would assume as the COO for him to go there he must feel he is basing his allegations on something concrete...but what? I reviewed all previous correspondence and I don't think he could make those specific, heated accusations based on the content of what I read. Further, Ron never made contact with anyone at their office as he claims. Being as close as you are to this project and having worked with Ron for so many years I cant help but think you must agree that this letter is *at minimum* a bit odd. It seems as though someone must have triggered his reaction.

12/20/2004

I am writing to you to ask for your help. Please let me know if you or any of your Board members had previous conversations with Audubon specifically after receiving Jay's initial letter dated 11/23/04 or more generally at any other time that would have been relevant with regard to this matter.

Im aware that you've spoken with Steve Graham about this previously and he is preparing a response to Mr. Jack on Monday and will copy you.

Thanks for listening to my post-traumatic stress email! I look forward to hearing from you on Monday and in the meantime have a great weekend.

Regards,
Jenn

Jennifer Shea
NorthWest Development, LLC
178 Great Rd. Acton, MA 01720
(Tel.) 978-263-6166 x.217
(Fax) 978-264-4049
(Cell) 978-360-2725
jenn@nwdevelopment.com

12/20/2004

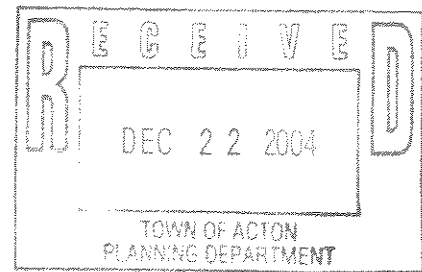
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STEVEN R. GRAHAM
BARRY S. HARSIP* **

AIMEE BONACORSI
JAY R. PEABODY



sgraham@graham-harsip.com
bharsip@graham-harsip.com

abonacorsi@graham-harsip.com
jpeabody@graham-harsip.com

December 20, 2004

VIA CERTIFIED MAIL (7004 0750 0002 4323 2285)

Mr. Howard A. Jack
Vice President and Chief Operating Officer
Audubon International
46 Rarick Road
Selkirk, NY 12158

RE: Quail Ridge Country Club, Acton, MA

Dear Mr. Jack,

Reference is made to your letter dated December 13, 2004 to my associate, Jay R. Peabody, Esquire, in response to a letter by Mr. Peabody to Jennifer Batza who oversees the Audubon Cooperative Sanctuary Program.

Initially, let me say that I am struck by the inappropriateness of the tone and content of your letter. Mr. Peabody did not ask Audubon International to take a position with respect to which of Audubon's programs might be suitable or acceptable to the Town of Acton. In his letter to Ms. Batza, Mr. Peabody merely asked for additional information, so that this office could address the Town's concerns. The hostility contained in your letter is wholly inappropriate and suggests that your response is motivated by something other than Audubon's mission to serve as an unbiased non-profit organization serving the public interest.

Next, I am unsure about the purpose of your parenthetical statement, "(who, we note, shares a last name with you)" set forth in paragraph two of your letter. Jay R. Peabody is an associate of Graham & Harsip, P.C. He is in fact the son of Ronald B. Peabody, the relevance of which eludes me. This firm represents Quail Ridge Country Club, and Jay is an employee working under my supervision. The inclusion of the above noted parenthetical statement seems to be an effort on your part to color, and negatively effect, our efforts to continue to work with the Town of Acton to satisfy its concerns with respect to the development of the golf course. Again, I am at a loss to understand why you would suggest any impropriety in connection with my associate working on a matter for Quail Ridge Country Club.

Your comments in the second full paragraph on page two of your letter are even more bewildering and further raise questions regarding your motivation in sending the letter which you

GRAHAM & HARSIP, P.C.

Mr. Howard A. Jack
December 17, 2004
Page 2

did. You have no basis to suggest that Quail Ridge would be other than cooperative and work in good faith on any matter, let alone any dealings which it might have with Audubon International. If you have been provided information from some other source which bears on your judgment I ask that you share it with me.

If you were fully and properly informed about the development of the Quail Ridge Golf Course in Acton, you would know that my client and the Town Boards have worked diligently to meet environmental and other concerns raised by a project of this nature. In fact, the final decision to permit the development of the golf course and other conditions contained in other regulatory/monitoring agreements such as the one issued by the Acton Conservation Commission establish very stringent guidelines and oversight to ensure that the golf course is developed and operated in an environmentally sound manner, a goal which both my client and the Town share.

Finally, information contained in your letter is factually inaccurate. My client has never personally contacted Audubon International regarding your Signature Program. It is my understanding that, at the time the Signature Program was originally suggested to my client, Quail Ridge was beyond the point at which it could have qualified for one of such Programs. If that is not correct Ms. Batza could have provided that information to my associate. Quail Ridge has nevertheless, worked with the Town to establish agreed upon guidelines, controls, and oversight that will provide a golf course of which both the Town and my client can be proud.

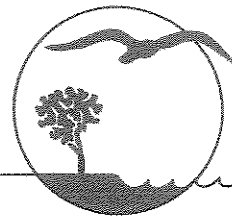
Very truly yours,



Steven R. Graham, Esq.

SRG/jrp
cc: Client
Mr. Roland Bartl, AICP, Acton Town Planner

AUDUBON INTERNATIONAL



HELPING PEOPLE HELP
THE ENVIRONMENT

January 5, 2005

Audubon International
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46 Farick Road
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<http://www.audubonintl.org>

Stephen R. Graham, Esq.
Graham & Harsip, P. C.
Strawberry Hill Building
289 Great Road, Suite 101
Acton, MA 01720

Re: Quail Ridge Country Club

Audubon Cooperative
Sanctuary System
46 Farick Road
Selkirk, NY 12158
Phone: 518-767-9051
Fax: 518-767-9076

Dear Mr. Graham:

I have received your letter dated December 17, 2004, concerning Quail Ridge Country Club (QRCC). From Audubon International's perspective, much of it is immaterial and thus does not demand response. I will address three of the points you make, however.

Audubon Signature
Program
230 Second Street
Suite 311
Henderson, KY 42420
Phone: 270-869-9419
Fax: 270-869-9956

First, let me clear up your apparent misunderstanding of the nature of Ms. Jennifer Batza's job with Audubon International, which is reflected in the first paragraph of your letter and affects a comment in the last. She does not "oversee" any of our programs (as you might have detected from the list of recipients of copies of my December 13, 2004, letter to Mr. Jay Peabody of your firm). She works here in our headquarters office as Membership Secretary for the Audubon Cooperative Sanctuary Programs, which are meant for *existing* property uses. We think highly of her, but she is not responsible for the Audubon Signature Programs, which are designed for *new developments* and administered from our Signature Program Office in Henderson, Kentucky. Thus, she was in no position to provide the information on timing and eligibility for the Signature Programs that you speculate she could have provided to your associate, Mr. Peabody.

Audubon Society of
New York State
46 Farick Road
Selkirk, NY 12158
Phone: 518-767-9051
Fax: 518-767-9076

Next, contrary to claims in the last paragraph of your letter, immediately after our Signature Program Office received an inquiry in the spring of 2000 – about two years before either the Town of Acton issued a permit requiring the QRCC project to become a member of a Signature Program or construction of the project began – it sent materials explaining the Signature Programs to Mr. Ronald Peabody of the company that is developing QRCC. Thus, at the time your client first learned about the Signature Programs the project was most definitely not beyond the point at which it could have qualified for a Signature Program. From an article we read in the *Acton Beacon* in the summer of 2002 citing Ronald Peabody, we understood that the QRCC developers made a conscious decision not to comply with the permit requirement for the project to participate in a Signature Program, because they did not want to spend the time or money to do so. The article indicated to us that, rather than join a Signature Program (which, as mentioned above, is intended for *new developments*, such as QRCC), the developers had made up their minds to try to join an Audubon Cooperative Sanctuary Program (which, as mentioned above, is intended for *existing* property uses).

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Phone: 518-885-7819
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Environmental Planning
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Cary, NC 27512
Phone: 919-380-9640
Fax: 919-380-7415



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You claim that your client has worked diligently to meet environmental concerns and worked with the Town of Acton to establish guidelines, controls, and oversight to ensure that QRCC is developed and operated in an environmentally sound manner. Because the developers did not involve Audubon International in the development process, we have no specific knowledge one way or the other of whether the development has been proceeding in an environmentally sound manner. The conditions the Town of Acton has imposed on QRCC and whether any of them should be amended are matters between the town and the developers, not Audubon International. We therefore have taken no position on them.

We do take a position to protect the integrity of our own programs as we see fit, however. We have established our programs with the intent that they be voluntary and go beyond governmental requirements. We prefer that governmental bodies not mandate involuntary participation in them (and we impose a condition of our own to deal with the complications, from our point of view, tending to arise when governments do). In addition, because of the great differences between the Audubon Cooperative Sanctuary Programs and the Audubon Signature Programs (see my December 13, 2004, letter to Mr. Jay Peabody) and the potential for abuse and adverse effects on public perceptions of our programs, we choose to be very cautious about knowingly allowing participation in an Audubon Cooperative Sanctuary Program to a project that had the opportunity to participate in a Signature Program and apply best environmental stewardship practices under our oversight from the outset, but declined to do so. In this case, our opinion of the QRCC developers and how they would likely perform, based upon our contacts and what we have observed and seen reported, specifically reinforces our general concern. Just as the QRCC developers have chosen not to participate in an Audubon International program that was appropriate for their project, so we elect not to allow their project to participate in an Audubon International program that is not optimal for it (and which, apparently, also would not meet the Town of Acton's objectives).

Sincerely,



Howard A. Jack
Vice President and Chief Operating Officer

cc: Nancy E. Richardson, Director, Audubon Signature Programs
Joellen Zeh, Manager, Audubon Cooperative Sanctuary Programs
Jennifer Batza, Membership Secretary, Audubon Cooperative Sanctuary Programs
Roland Bartl, AICP, Acton Town Planner

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February 2, 2005

Roland Bartl, Town Planner
Town of Acton
472 Main Street
Acton, MA 01720

RE: Quail Ridge Country Club/Audubon International

Dear Mr. Bartl,

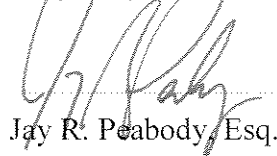
In anticipation of the Quail Ridge Country Club/Audubon International issue being on the agenda for the Planning Board Meeting on Tuesday, February 8, 2005, please find enclosed a memorandum from our office regarding this issue.

I've prepared ten copies of said memorandum and included them herewith with the anticipation that you'll distribute the same to the Planning Board Members ahead of next weeks scheduled meeting.

Thank you in advance for your anticipated cooperation in ensuring that the necessary parties receive a copy of this memorandum prior to next weeks meeting.

Please feel free to contact Quail Ridge Country Club, LLC or myself directly with questions or concerns.

Very truly yours,



Jay R. Peabody, Esq.

cc:
Client
Mr. John Bresnehan, Turfgrass Environmental Consultants

Memo

To: Acton Planning Board
From: Graham & Harsip, P.C.
CC: Quail Ridge Country Club, LLC
Date: February 2, 2005
Re: Environmental Monitoring/Quail Ridge Country Club

This information package is being submitted to the Planning Board (the "Board") of the Town of Acton (the "Town") to clear up any confusion that may exist regarding the environmental monitoring of Quail Ridge Country Club (the "Project").

The issue of the Project's environmental monitoring was raised by Mr. Roland Bartl, AICP in an e-mail correspondence from Mr. Bartl to Quail Ridge Country Club, LLC (the "Developer") dated November 16, 2004, (copy of e-mail attached hereto as Exhibit A). In this correspondence to the Developer, Mr. Bartl expressed concern regarding the Project's compliance with Section 3.2.4 of the Board's Special Permit Decision, namely, Decision 02-06, Quail Ridge Country Club, Special Permit for a Golf Course in a Residential District, May 20, 2002, as amended by Amendment #1 of Decision 02-06, Quail Ridge Country Club, Special Permit for a Golf Course in a Residential District" dated June 24, 2002 (the "Decision").

Section 3.2.4 of the Decision ("Section 3.2.4") reads as follows:

"QRCC shall seek at a minimum Bronze Membership in the Audubon International Signature Program and shall seek to maintain Bronze Membership status at all times. Upon initial acceptance and annually thereafter, QRCC shall file with the Board proof of Bronze certification by Audubon International. If for any reason, QRCC should fail or be unable to achieve Bronze certification within three years from the date of this decision, or fail or be unable to achieve Bronze re-certification at any time thereafter, QRCC shall notify the Board immediately with an explanation why certification or re-certification was not obtained. The Board reserves the right to require as a condition of compliance with this Special Permit that QRCC shall take the necessary and reasonable steps to achieve Audubon International Bronze certification *or if the Board finds that this is not possible or practical, to require alternative mechanisms that will ensure annual environmental audits.*" (emphasis added)

This Memorandum is intended to address Mr. Bartl's and the Board's concern with the Project's compliance with Section 3.2.4 of the Decision.

Audubon International Signature Program

As indicated in correspondence from Audubon International, enrollment in the Audubon International ("AI") program called for in the Decision, the Audubon International Signature

Program (the "AI Signature Program") is not attainable for this Project. In fact, it is the Developer's belief that the condition set forth in Section 3.2.4 of the Decision was *never* attainable by the Developer

The AI Program called for in the Decision was designed for projects to enroll during the preliminary planning stages of development. By time the Board integrated Section 3.2.4 into the Decision (May 21, 2002), the Developer had already completed such substantial work and due diligence on the Project, as outlined below, that enrollment in the specified AI program was not possible.

- June, 2000 to January, 2001 – Worked with the Town to Draft Zoning Article entitled "Golf Course in a Residential Districts," adopted 1/22/01, and as amended 8/27/01.
- July 7, 2000 – Contracted with Cornish, Silva & Mungeam, Inc., Golf Course Architects ("CSM"), to design and permit the golf course component Project.
- October 4, 2000 – Contracted with Janovsky/Hurley Architects, Inc. ("Janovsky and Hurley") to design the clubhouse and out-buildings component of the Project.
- April 30, 2001 - Epsilon Associates, Inc. ("Epsilon") submission of Environmental Notification Form for Project.
- November 15, 2001 - Epsilon submission of Draft Environmental Impact Report for Project.
- February 15, 2002 - Epsilon submission of Final Environmental Impact Report for Project.

In fact, as a result of an unwillingness to be held to a standard for which noncompliance was probable, the Developer insisted on the Board amending Section 3.2.4 to include the language set forth in the last sentence thereof. Specifically, this language reads, "*The Board reserves the right to require as a condition of compliance with this Special Permit that QRCC shall take the necessary and reasonable steps to achieve Audubon International Bronze certification or **if the Board finds that this is not possible or practical, to require alternative mechanisms that will ensure annual environmental audits.***"(emphasis added)

The Developer requested this aforementioned language to deal with the very situation presently facing the Project, namely the inability to qualify for the Signature Program.

Existing Program or Alternative Program?

It is clear that at this point that qualifying for the AI Signature Program is neither "**possible**" nor "**practical.**"

As a result, the Board is presently faced with the option of seeking an alternative environmental monitor, as provided for in the last sentence of Section 3.2.4.

Existing Monitoring Programs

A review of the existing environmental monitoring programs to which the Developer is subject is important and illuminating.

The Developers environmental consultant, John Bresnahan of Turfgrass Environmental Consultants ("TEC") has provided an analysis in table form comparing the Project's current monitoring with the 6 tenets of AI's Cooperative Sanctuary Program, a program which is specifically designed to monitor projects at this stage of progression and going forward (see Letter from Mr. Bresnahan to our office, dated January 25, 2005, attached hereto as Exhibit B).

Alternative Program

Although the Developer believes that additional oversight is unnecessary given the comprehensive monitoring currently in place for the Project (as outlined in Mr. Bresnahan's aforementioned letter), the Board has the option of requiring an ***"alternative mechanisms that will ensure annual environmental audits,"*** per Section 3.2.4 of the Decision.

As noted in Mr. Bartl's email communication to Nancy E. Richardson, Director, Audubon Signature Program, Audubon International, dated May 24, 2002, "this course has been designed with sensitivity to the environment and will be managed so as well" (copy of e-mail attached hereto Exhibit C).

In the event the Board decides to pursue an alternative mechanism to ensure environmental compliance, the Developer would appreciate being granted the opportunity to comment on the selection of such mechanism.

Conclusion:

Under the terms of the Decision the Board has only to decide whether the existing environmental controls are sufficient to insure compliance with environmental safeguards set forth in the various regulatory agreements/decisions or to construct an over arching mechanism to oversee compliance. There is no reason or basis for reopening public hearings on this matter.

EXHIBIT A

From: <Buddypeabody@comcast.net>
To: Jay Peabody <Jay@graham-harsip.com>
Date: 11/17/04 9:24AM
Subject: FW: QRCC - Water Quality Monitoring and Environmental Controls

----- Forwarded Message: -----

From: "Roland Bartl" <rbartl@acton-ma.gov>
To: "Ronald B. Peabody" <Buddypeabody@comcast.net>
Cc: "Jenn Shea" <jenn@nwdevelopment.com>, "Michael J. Toohill" <mtoohill@ensr.com>, "Planning Board" <PB@acton-ma.gov>, "Don Johnson" <djohnson@acton-ma.gov>, "Tom Tidman" <ttidman@acton-ma.gov>, "Doug Halley" <dhalley@acton-ma.gov>, "Garry Rhodes" <grhodes@acton-ma.gov>
Subject: QRCC - Water Quality Monitoring and Environmental Controls
Date: Tue, 16 Nov 2004 21:21:38 +0000

Dear Ron:

I am writing as a follow up to recent discussions that the Planning Board had at its public meeting on October 26. The impetus for the discussion was the failure of the QRCC water quality monitoring program and baseline collections to live up to the standards that the Board had expected under its decision of approval. John Bresnahan of Turfgrass Environmental Consultants had delivered an updated report on September 23 of this year. It was the last item that stood in the way of my signing off on building permits. Upon receipt of John Bresnahan's report I took it on faith that it would address all concerns that were previously raised and discussed, and I allowed building permits to go forward. On September 23, I wrote to Jenn Shae:

John Bresnahan was here this morning to drop off the baseline water quality monitoring data that I was looking for. I will send a copy to Mike Toohill for his final review. Nevertheless, I have left word in the Building Department that building permits can now be issued. I trust, if Mike Toohill points out any additional items or info we should have, you will do your best to provide them to us.

I sent the report to Mike Toohill at ENSR. As you know, he is the Planning Board's consultant on QRCC. His review report, dated 10/13, is attached. It identifies significant discrepancies between the water quality monitoring plan as approved and the actual data collection that supposedly took place in accordance with that plan. Without explanation why, there appear to be

- missing monitoring sites
 - inconsistent data collections, and
 - missing data (especially missing base line data)
- to name some of the omissions.

I brought this to the Planning Board's attention. Here is a summary of the Board's consensus as reflected in the 10/26 meeting minutes:

1. QRCC should provide a water quality monitoring report and baseline collection program that addresses the deficiencies that Mr. Toohill identified. The Board asked me to remind you that QRCC still needs occupancy permits and additional building permits to be completed and that compliance with the Special permit decision is a prerequisite for obtaining them.
2. The Planning Board requests a site walk. It was noted that you had originally extended them an invitation for a site visit, but for some reason it never happened.
3. The Planning Board asked that I coordinate between the Conservation Commission and the Board of Health a consensus of what an acceptable ongoing monitoring program would be. As you know, the Board's decision requires:

"QRCC shall seek at a minimum Bronze Membership in the Audubon International Signature Cooperative Sanctuary Program and shall seek to maintain Bronze Membership status at all times. Upon initial acceptance and annually thereafter, QRCC shall file with the Board proof of Bronze certification by Audubon International. If for any reason, QRCC should fail or be unable to achieve Bronze certification within three years from the date of this decision, or fail or be unable to achieve Bronze re-certification at any time thereafter, QRCC shall notify the Board immediately with an explanation why certification or re-certification was not obtained. The Board reserves the right to require as a condition of compliance with this Special Permit that QRCC shall take the necessary and reasonable steps to achieve Audubon International Bronze certification, or if the Board finds that this is not possible or practical, to require alternative mechanisms that will ensure annual environmental audits."

The 3-year deadline is on May 20, 2005. It has become increasingly apparent that Bronze Membership in the Audubon International Signature Cooperative Sanctuary Program is either unattainable or that QRCC is unwilling to pursue it. The Planning Board is not willing to wait until the deadline has passed. Rather, its interest is in developing a monitoring program that replaces Audubon International, and is conducted by an outside entity, independent from but paid by QRCC and hired and responsible to the Town of Acton. This program should be ready for implementation by the 3-year anniversary date of the special permit decision. The Board again noted that QRCC needs occupancy permits and more building permits and that compliance with the special permit decision is a condition to proceed.

Sincerely -

Roland Bartl, AICP
Town Planner, Town of Acton
472 Main Street
Acton, MA 01720
978-264-9636

Turfgrass
Environmental
Consultants

47 Falmouth Rd
Longmeadow, MA 01106

January 25, 2005

Jay Peabody
Graham & Harsip PC
289 Great Road
Acton, MA 01720

Dear Mr. Peabody,

The attached file is a summary of the Audubon Cooperative Sanctuary Program (ACSP) and comparison of the environmental projects and programs currently underway at Quail Ridge Country Club (QRCC). The six categories to achieve fully Certified Audubon Cooperative Sanctuary Status include:

Resource Inventory
Environmental Planning
Wildlife and Habitat Management
Chemical Use Reduction and Safety
Water Conservation
Water Quality Management

To become certified, the numbered questions under the Audubon International Category must be answered and the programs initiated. As you can see from the column on the left, a majority of the programs and policies were instituted during the permitting process and included in the Final Environmental Impact Report (FEIR), Acton Conservation Commission Order of Conditions (OOC) and Acton Planning Board Decision.

If you have any questions, please contact me at 413-565-5340

Sincerely,

John Bresnahan

Documents referenced include:

Acton Planning Board Decision, May 20, 2002

Acton Natural Resource Department Order of Conditions, May 16, 2002
Audubon International Certification Handbook, 2000
Supplemental Notice of Intent Information, Epsilon Associates, March 1, 2002
Administrative Consent Order, Department of Environmental Protection
Water Management Act Application, Epsilon Associates, December 20, 2002
A Guide to Environmental Stewardship on the Golf Course, Audubon International, 2002
Integrated Pest Management Plan, Cornish, Silva and Mungeam, May 6, 2002
Attachments to IPM plan, Turfgrass Environmental Consultants, May 6, 2002
Water Quality Monitoring Reports, Turfgrass Environmental Consultants dated:
November 11, 2003 and October 2, 2004
TEC memo to Conservation Commission regarding vernal pool buffer management 10th
golf hole, April 10, 2003
TEC memo to Conservation Commission regarding Overstory management areas, April
12, 2003
TEC memo to Conservation Commission regarding Quail Ridge Wetland Compensation
Plan, June 30, 2003

Audubon International Cooperative Sanctuary Program Requirements for Certification.	Programs or practices currently underway as part of QRCC permit process.
Resource Inventory and Environmental Planning	
<u>General Information:</u> Identifies location, type, rounds played and acreage of golf course.	Information is generated as the golf course is built including precise information on acreage from construction and irrigation as-builts.
<u>Unique Features</u> of golf course are described.	Unique features of golf course are identified during construction.
<u>Landscape Information:</u> What are the acreage of the golf features (tees, greens, etc.), including natural plant communities.	Landscape Information-all areas of the golf course are GPS as part of the construction and irrigation as-builts. Natural plant communities were identified and plotted on the Golf Course Routing Plan as part of the permitting process.
<u>Supplemental Structures for Wildlife:</u> Installation of nest boxes, brush pile, birdbaths and feeders.	Supplemental structures will be installed once construction activities are complete.
<u>Inventory of Plant and Wildlife.</u>	Vegetative communities were documented as part of the wetland permitting process. Wildlife habitat evaluations were developed by Mr. Scott Jackson, UMASS Amherst and included in the FEIR as Attachment E.
<u>Water Use and Drainage:</u> Does the surrounding land use affect the golf course drainage? What is the water source?	The DEP ACO deals extensively with QRCC water source. In short, QRCC has private irrigation wells permitted through local Board of Health and MA DEP. Surrounding land use is a mix of residential and forested. The golf course has been designed to minimize surface runoff to wetland areas. The golf course features have been designed to limit runoff onto the golf course from the residential communities.

<p><u>Outreach and Education</u>: Designed to let club members and the public know that the club is working to improve quality of environment. Educational projects would include bulletin board, newsletters, nature trails etc.</p>	<p>QRCC has no educational projects at this time.</p> <p>Throughout the permit process, Ron Peabody has offered to make QRCC the Acton High School golf team home course, in addition to offering several fundraisers for town projects/groups each year.</p>
<p>Wildlife and Habitat Management</p>	
<p>Identify core habitats such as woodlands, wetland, stream corridors and special habitat concerns.</p>	<p>Acton Notice of Intent (NOI):</p> <p>All wetland resource areas, including riverfront, have been delineated and mapped.</p> <p>Vernal pools have been delineated and mapped.</p> <p>Open space/forested areas have been identified and mapped.</p> <p><i>See</i> FEIR Attachment E, Dr. Scott Jackson of UMASS-Wildlife habitat inventory.</p>
<p>Train staff to understand management practices that may positively enhance wildlife species and habitats.</p>	<p>Included in IPM plan submitted with NOI: <i>See</i> Attachment 1, Qualifications of golf course superintendent.</p>
<p>Identify dominant indigenous plant communities.</p>	<p>Wetland delineation included with NOI. <i>See</i> FEIR Attachment E & Supplemental NOI information #2</p>
<p>Maintain on-going written inventory of wildlife on property.</p>	<p>Once construction activities are completed wildlife inventory will be continued from FEIR attachment E.</p>
<p>Maintain natural habitat in at least 50% of all unused or minimally used portions of property.</p>	<p>Golf Course Routing Plan has avoided wetland impacts and protected natural wooded habitats and riverfront corridors.</p>
<p>Maintain or connect wildlife habitat corridors to facilitate movement through property.</p>	<p>The Golf Course Routing Plan was developed to maximize golf and wildlife habitat concerns.</p>

Maintain plant diversity and heights of plant communities.	<p>Natural grass areas defined by CSM Grassing Plan. <i>See</i> Overstory Management Plan OOC Special Conditions #58, 98, 99, 100, 104, 107, and 108, submitted to Cons Comm. April 12, 2004 details overstory management emphasizing plant diversity.</p> <p>Vernal pool buffer zone management on 10th golf hole submitted April 10th, 2003 to Cons Comm.</p>
Leave dead trees when they do not pose health hazard.	Will be identified after const. process. <i>See</i> OOC #106
Maintain a water source for wildlife.	N/A
Naturalize at least 50% of water source shoreline with native aquatic plants.	The irrigation pond has been designed so that at least 50% of the shoreline will be out of play. Cons Comm. OOC #97 will approve planting schedule for shoreline.
Choose flowers for gardens that will provide nectar for hummingbirds and/or butterflies.	N/A at this time.
Maintain nest boxes for birds and/or bats.	Will be installed once const. activities are complete.
Protect sensitive wildlife habitats or endangered species for golfer disturbance. Use USGA environmentally sensitive area marking signs if appropriate.	Consistent with ACSP and detailed in OOC #105.
Establish and maintain at least 80% of landscaped trees, shrubs and flowers excluding turfgrass with indigenous plant material.	N/A at this time.
Purchase landscape plants from locally grown sources whenever possible.	N/A at this time.
Avoid disturbing known nest sites until after young birds have left.	Timing of tree pruning and removal is governed by OOC #99. Consistent with yearly golf course maint. schedule.
Avoid moving trees or shrubs until after nesting season.	See 16.

Restore degraded habitats, eroded slopes, compacted soils and polluted waters.	Consistent with const. activities and golf course maint. Activities. <i>See</i> OOC #64, #107
Clean trash from habitat areas when necessary.	<i>See</i> OOC #65. All debris/trash will be removed from resource areas. Consistent with golf course maint. Activities.
Confine carts to paths and trails to minimize vegetative and habitat disturbance.	Consistent with golf course maint. Practices—cart traffic will be confined to paths, turf areas or bridges.
Chemical Use Reduction an Safety	
Meet all state and OSHA regulations for the storage and handling of chemicals.	<i>See</i> IPM plan page 11, Attachment 4.
Train all key employees in the basic tenets of IPM.	<i>See</i> IPM plan prepared by CSM.
Train all key employees to recognize that chemical manufacturing, use, storage, and disposal may pose risks to human health and environment.	<i>See</i> IPM plan
Train all key employees to understand that poor management practices may adversely impact worker health and surrounding environment.	<i>See</i> IPM plan
Maintain turf feature mowing heights at levels that can be reasonable maintained without continually stressing turf or maximizing chemical inputs.	<i>See</i> IPM plan page 9
Inventory all soil types and utilize annual soil tests.	<i>See</i> IPM plan page 5-6, 8-9
Maximize turf health and minimize resource inputs by improving turf conditions.	Consistent with IPM principles and plan
Regularly work to improve soil health through proper cultural practices.	<i>See</i> IPM plan page 7-11
Plant pest resistant or stress tolerant cultivars on	<i>See</i> Grassing Plan by CSM. All turf cultivars

playing surface and in landscape areas.	selected are based on disease resistance, drought tolerance and wear resistance. All cultivars are appropriate for local climate conditions.
Manage plant materials for landscape areas/gardens to maximize health and minimize resource inputs.	N/A at this time
Designate and train scouts to monitor plant health and pest populations as part of IPM program.	Attachment 1-Qualifications of Golf Course Superintendent, <i>See</i> IPM plans pages 14-15.
Identify turf hot spots for disease outbreaks/poor growing conditions.	Will be developed as part of scouting program after course is complete.
Use scouting forms for IPM program.	Will be developed as part of scouting program after course is complete.
Establish aesthetic and functional thresholds for insects to reduce chemical inputs.	<i>See</i> IPM plan page 17
Establish aesthetic and functional thresholds for fungal disease to reduce chemical inputs.	<i>See</i> IPM plan page 17
Establish aesthetic and functional thresholds for weeds to reduce chemical inputs.	<i>See</i> IPM plan page 17
Evaluate potential control measures for effectiveness.	IPM plan and The Course Operations Plan as identified in OOC #90
Consider environmental impact of pest control measures.	<i>See</i> IPM plans Attachment 4, Pesticide Selection Guidelines, and <i>See also</i> Attachment 5 Revised Pesticide Selection List.
Work to change turf stresses to discourage continual problems.	Developed as part of golf course maint. Activities.
Maintain records of treatments and effectiveness to guide future pest control decisions.	<i>See</i> IPM plan and The Course Operations Plan as identified in OOC #90
When using chemical products, staff always	The pesticide label is considered a legal

follows label directions.	document—this is consistent with the requirements of the pesticide applicators license.
Maintain current MSDS sheet for each product.	Also requirement of Mass Pesticide Bureau.
Apply pesticides only when and where scouting indicates.	<i>See</i> IPM plan pages 14-17, OOC #90.
Strive to treat problems at proper time to maximize effectiveness and minimize harmful environmental impacts.	<i>See</i> IPM plan page 17, OOC#90.
Employ practices and use products that minimize potential for groundwater contamination.	<i>See</i> Golf course Best Management Practices and Attachment 4.
Pesticides are applied by trained licensed applicator.	Required by MA state law and MA pesticide bureau. <i>See</i> OOC #82
Establish no spray zones and buffer areas around water features.	Will be developed after course construction.
Regularly train and encourage staff to continue education and seminars.	N/A at this time.
Communicate to members and staff IPM guidelines, goals and objectives.	N/A at this time.
Communicate with greens committees, club pro, and club manager and owner to assure support for golf maintenance activities.	N/A at this time.
The chemical storage structure is secure and well ventilated.	The chemical storage facility will be the Best New Technology for golf course chemical storage, <i>See</i> OOC #90.
Prevent gasoline, solvents, oil and other chemicals from contaminating soils, surface and groundwater.	Consistent with BMP, <i>See</i> OOC #90, 75, 73, 74, 75, 79.
When cleaning equipment, there is no direct	The equipment wash down area will be Best

contact of waste/water with surface water.	New Technology utilizing recycled rinseate.
Properly store all chemicals.	Best New Technology Chemical Storage Facility.
Handle all pesticides over an impermeable surface.	Pesticide mix/load are will be impervious as part of maint. facility design and consistent with golf course BMP
Water Conservation	
Train employees to conserve water and make water conservation a priority.	Water management at QRCC is dependent on water conservation based on the ACO with the DEP. The irrigation design by Joe Sarkesian utilizes Best New Technology such as part circles, valves and efficient sprinkler heads to conserve water use.
All key employees are able to identify the water source for irrigation and drinking water.	N/A at this time.
The golf course superintendent and irrigation techs have been trained to operate the irrigation system.	N/A at this time. The golf course superintendent will be qualified on the irrigation system.
The irrigation system is properly designed, installed and performance has been tested	Joe Sarkesian is a qualified irrigation design consultant. The installation is on going by qualified technicians.
Check irrigation system for proper water distribution in all irrigated areas at least once per year.	N/A, not fully operational
Eliminate all non-target watering areas...sidewalks, ponds etc.	Part circles to minimize non-target watering are part of the system design. Further non-target watering techniques/equipment will be evaluated after the full system is operational.
Check all irrigation equipment daily and regularly maintain the system on schedule.	Consistent with daily golf course maint. practices and water conservation policy.

Fix leaks in a timely manner.	Consistent with daily golf course maint. practices and water
The pump station is regularly maintained and working efficiently.	N/A at this time.
Upgrade irrigation system with current nozzle, valve, head and software technology.	Irrigation system is state of the art utilizing Best New Technology
Install part circle heads whenever possible.	Integral part of the irrigation design.
Incorporate ET rates or weather data into daily irrigation decision.	The irrigation computer will provide data on ET rates and water use to provide real-time decision
Avoid running irrigation system at peak ET times.	See IPM plans page 7, consistent with BMP of New England golf course irrigation techniques.
Water hot spots to target areas instead of running entire system during peak of the day.	Syringing is a method of hand-watering hot spots during hot dry weather. The golf course superintendent will supervise hand watering during heat stress periods.
Maintain effective water cycle with proper irrigation techniques.	N/A at this time.
Reduce or eliminate irrigation on all minimally used areas of golf course.	Incorporated into the grassing plan by CSM and the irrigation design by Joe S.
Monitor daily water use, tally monthly usage and set targets for yearly conservation improvement.	As required by the ACO. Flow meter will be installed at all withdrawal points. The irrigation computer will also tabulate water used within the system.
The turfgrass on the golf course is appropriate for the local climate and growing conditions.	All turfgrass specified by CSM has been reviewed by the Cons Comm. independent consultant (Mike Toohill, ENSR). QRCC has selected the best available cultivars based on disease resistance, drought tolerance, wear resistance and playability.

Water Quality Management	
All key maintenance staff are trained regarding water quality concerns and priority given to pollution prevention.	<p>N/A at this time. <i>See</i> OOC #90, 77, 78, 79, 80.</p> <p><i>See also</i> IPM plans page 11, attachment 4, 5, 6 and ACO and reports submitted by TEC.</p>
All key maintenance staff are able to identify the specific watershed in which the property is located.	N/A at this time.
All key maintenance staff are able to identify where wastewater and runoff go after leaving the property.	N/A at this time.
Eliminate erosion to water bodies such as streams, lakes and ponds.	<i>See</i> OOC # 57, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71.
Employ more environmentally sensitive management techniques within 25 feet of all water bodies to minimize nutrient and chemical inputs.	N/A at this time will be developed once golf course is operational.
Eliminate potential runoff and drift by designating “no spray” zones, using spot treatments or increasing action threshold for pest problems.	N/A at this time will be developed once golf course is operational.
Where shorelines of ponds are in play, raise the mowing height along waters edge to filter and slow runoff.	N/A at this time will be developed once golf course is operational.
Use Best Management Practices to reduce potential for nutrient loading.	IPM plan describes BMP to reduce nutrient loading and maximize nutrient uptake by turf plant.
Maintain and clean equipment in a manner that eliminates the potential for on-site and/or off-site contamination of water bodies.	<p><i>See</i> IPM plan page 12.</p> <p><i>See also</i> Planning Board Decision OOC 3.2.17.</p> <p>In addition, the maint. facility will be use Best New Technology for equipment maintenance and wash down.</p>

Store all chemicals in a manner that eliminates the potential for on-site or off-site contamination of water bodies.	<p><i>See</i> IPM plan page 11.</p> <p>In addition, the maint. facility will be use Best New Technology for equipment maintenance and wash down.</p>
Mix and load pesticides in an area that guarantees spill containment.	<p><i>See</i> IPM plan page 11.</p> <p>In addition, the maint. facility will be use Best New Technology for equipment maintenance and wash down.</p>
Handle and apply fertilizes, pesticides and other chemicals in a manner that eliminates potential for on-site or off-site contamination of water bodies.	<p><i>See</i> IPM plan page 11-12.</p> <p><i>See also</i> Attachment 4 and 5. OOC #72, 73, 76, 84, 88, 90, 91.</p>
Dispose of all chemicals and waste materials in a manner that eliminates the potential for on-site and off-site contamination of water bodies.	<p><i>See</i> IPM plan page 11-12.</p> <p><i>See also</i> Attachment 4 and 5. OOC #72, 73, 76, 84, 88, 90, 91.</p>
Reduce the need for chemical algae control in ponds through proper aeration, nutrient reduction, bio-filters, vegetation management or bio-control.	N/A at this time.
Seek a physical solution to aquatic weed management first, and then seek the least toxic chemical weed control. Address underlying causes of the problem.	N/A at this time.
Visually monitor water bodies for water quality problems such as erosion, algae, weed growth, fish kills, sediment build-up etc, as part of the IPM scouting program.	N/A at this time.
Water quality problems are reported to supervisors, and if required to regulatory agencies for appropriate action.	N/A at this time.

<p>Establish baseline data for representative water bodies that may be affected by golf course management to include:</p> <ul style="list-style-type: none"> a. pH, dissolved Oxygen, temperature, specific conductivity b. Nitrogen, total phosphorus c. Macro-invertebrates d. Baseline tests conducted 4x/year for at least one year e. Re-test water sources at least once per year, or sooner if problems occur 	<p><i>See</i> OOC #77, 78, 79, 80.</p> <p><i>See also</i> IPM attachment 6. Water quality monitoring reports (summary) November 11, 2003, October 2, 2004.</p>
<p>Keep written records of monitoring activities, results, and control measures taken.</p>	<p><i>See</i> OOC #77, 78, 79, 80.</p> <p><i>See also</i> IPM attachment 6.</p> <p>Water quality monitoring reports (summary) November 11, 2003, October 2, 2004.</p>
<p>Outreach and Education</p>	<p>This section does not apply at this time. Although QRCC has contacted and sought input from various groups concerning wildlife inventory, water conservation and availability, IPM and water quality monitoring.</p> <p>Important community outreach is also identified in Planning Board Decision 3.2.8</p> <ul style="list-style-type: none"> a. Two fund raising events per year for the town of Acton or its agencies at no charge. b. Boxborough High School Golf Team as their home course for no charge. <p>Available during off-season to general public for winter recreation such as cross-country skiing or snow shoeing, at no charge.</p>
<p>Form a Resource Advisory Group (RAG) to plan and implement environmental projects and education.</p>	
<p>Identify one staff member to communicate environmental goals, projects and objectives to member's staff and community members.</p>	

Contact at least one member of local community or one community organization to participate in RAG.	
Develop written materials available to members that describe our involvement with ACSP.	
Create a display that describes our involvement with ACSP.	
Invite employees, members, and community members to be involved in the RAG.	
Communicate with neighbors, or key community contacts to explain our involvement with ACSP.	
<p>Invite employees, members and community members to help with stewardship projects. Provide at least two of the following activities:</p> <ul style="list-style-type: none"> • Helping with wildlife gardens or ecological restoration project. • Inventorying wildlife species. • Maintaining or using a nature trail. • Provide a hole-by-hole guide to environmental stewardship. • Host wildlife walks on or around the golf course. • Host tours of golf course. • Host tournaments to support environmental stewardship projects. • Host workshops on stewardship projects or environmental issues. <p>Sponsor a local schools involvement in ACSP for schools.</p>	

EXHIBIT C**Carol Holley**

From: Roland Bartl [rbartl@town.acton.ma.us]
Sent: Friday, May 24, 2002 3:32 PM
To: Nancy E. Richardson
Cc: Don Johnson; Planning Board; Carol Holley; Sharon Mendoza
Subject: Quail Ridge Country Club

Nancy E. Richardson
Director
Audubon Signature Program
Audubon International

Dear Ms. Richardson:

You have recently received an inquiry from a representative of ACES, a Citizen Environmental Group in Acton, MA, regarding a recently approved golf course project - Quail Ridge Country Club.

As Acton's Town Planner, I was deeply involved in every aspect of the course's planning and approval process, which has now been concluded. I want to let you know that I am confident that this course has been designed with sensitivity to the environment and will be managed so as well. Contrary to the statement made by ACES, the site of Quail Ridge Country Club is not one of the more environmentally sensitive sites in Acton. Detailed environmental reviews and approvals at the State and local level have not revealed anything here that would make it special among the thousands, perhaps millions of acres of New England forest land.

Following the local approvals, the golf course proponent will have to comply with over 100 conditions of the Conservation Commission to protect wetlands and with another 50 or so condition of the Planning Board addressing environmental performance, recreation improvements for the community, protection of abutters, traffic mitigation, and other items. As part of the project review, the IPM plan mentioned in the ACES inquiry, has been updated, for instance to eliminate dormant fertilization and to replace some pesticides with newer or better agents that are less mobile and less persistent. Also, as part of the Planning Board approval, Quail Ridge Country Club is required to seek Bronze Membership with Audubon International. We see it as a matter of good environmental policy and the project proponent agrees. For the Town of Acton, Audubon International membership provides frequent environmental auditing at a level that we could not sustain.

For several years, the Town has been consistently supportive of the proposed Quail Ridge Country Club, starting with its 1998 Master Plan, the adoption of special zoning for golf courses, and through several subsequent zoning changes and land transfers to make this project possible. In Acton such matters are legislative and require a 2/3 vote in favor by town meeting open to all registered voters in the Town.

ACES has been an important environmental watchdog in Acton and I greatly respect their work and effort. However, I felt that the statements in their recent inquiry to you required some broader perspective.

The golf course proponent is looking towards ground breaking in June and will contact you regarding Bronze Membership sometime after the main elements of the course are at or near completion.

Regards,

Roland Bartl, AICP
Town Planner

Planning Department
472 Main Street
Acton, Massachusetts 01720